IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. .....

CITY OF CORONADO and R. J. TOWNSEND, a taxpayer,
Appellants,

vs.

THE SAN DIEGO UNIFIED PORT DISTRICT; MILES BOWLER, B. F. COGGAN, JAMES GLASGOW, C. A. LARSEN, D. D. MCELFRESH, LARRY RUEHLE and DOE I, as port commissioners acting as the Board of Commissioners of the San Diego Unified Port District; THE STATE OF CALIFORNIA, Defendant pursuant to Section 6308 of the Public Resources Code of the State of California, et al.,
Appellees.

On appeal from the District Court of Appeal of the State of California, Fourth Appellate District

MOTION OF APPELLEE THE STATE OF ALIFORNIA TO DISMISS APPEAL

Appellee The State of California, a defendant herein pursuant to the provisions of Section 6308 of the Public

Resources Code of the State of California,* moves to dismiss the appeal in this case upon the ground that it does not present a substantial federal question.

The facts upon which this motion is based are set out in the motion of appellees The San Diego Port District and its Port Commissioners to dismiss the appeal herein and in their brief submitted in support thereof. Appellee The State of California authorized appellees The San Diego Port District and its Port Commissioners to state that the State of California joined in their motion to dismiss the appeal herein and said appellee The State of

*Section 6308. Whenever an action or proceeding is commenced against a county, city, or other political subdivision or agency of the State involving the title to or the boundaries of tidelands or submerged lands that have been or may hereafter be granted to it in trust by the Legislature, the State of California shall be joined as a necessary party defendant in such action or proceeding. Service of summons shall be made upon the chairman of the State Lands Commission and upon the Attorney General, and the Attorney General shall represent the State in all such actions or proceedings. If judgment is given against the State in any such action or proceeding, no costs can be recovered from the State thereunder. (Added Stats. 1951, c. 977, p. 2610, §1; later amended by Stats. 1963, c. 1425, p. 2967, §1.)

California now concurs in said statement of facts and said brief and submits such statement and authority in support of its motion to dismiss the appeal herein.

Respectfully submitted,

THOMAS C. LYNCH,
Attorney General of California,
ARIEL C. HILTON,
Deputy Attorney General,
Attorneys for Appellee
State of California.

Dated: January 8, 1965.